

MT LEGISLATIVE HISTORY

Chapter 433 1971

Bill H 589 S _____

Original bill & hist. ___C

H. Committee on Bus. Industry

S. Committee on Local Gov't.

Hearing Date(s) _____ C

Hearing Date(s) _____ C

_____ C

_____ C

2/8 ✓ C

2/18 ✓ C

_____ C

_____ C

Date Out

2/9 ✓ C

2/20 ✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____

Report _____

1971
Senate
Local Government

LOCAL GOVERNMENT				
BILL NO.	SPONSOR	TITLE	COMMITTEE ACTION	FINAL STATUS
HB 332	LANTHORN	REPEALING AN ACT WHICH MAKES IT A MISDEMEANOR TO ENCOURAGE A MINOR TO BE IN A PUBLIC DANCE HALL TO ALLOW COUNTY COMMISSIONERS TO FURNISH MOTOR VEHICLES TO SHERIFF'S OFFICE WITHOUT CONSENT OF SHERIFF	BE CONCURRED IN	SIGNED BY GOV 3-1-71
HB 355	BURNETT	RELATING TO FEES ALLOWED TO SHERIFFS FOR BOARD OF PRISONERS	BE CONCURRED IN	GOVERNOR'S OFFICE
HB 408	BARDANOUVE	PROVIDING FOR SUPPLEMENTING PROVISIONS OF THE SPECIAL IMPROVEMENT DIST. REVOLVING FUND	BE NOT CONCURRED IN	GOVERNOR'S OFFICE
HB 417	GLENNON	RELATING TO THE REDEMPTION OF CITY, TOWN, COUNTY AND SCHOOL DISTRICT BONDS	BE CONCURRED IN	SIGNED BY GOV. 3-9-71
HB 472	SCHOONOVER	TO REQUIRE COUNTY BY COUNTY COMPILATION OF PERSONS REACHING VOTING AGE BY THE MONT. HWY. PAT.	BE NOT CONCURRED IN	KILLED IN SENATE 2-25-71
HB 473	TOME	PROVIDING CITY COUNCILS MAY ASSESS COSTS OF INSTALLING LIGHTING OUTSIDE CITY LIMITS	BE CONCURRED IN	SIGNED BY GOV. 3-9-71
HB 487	MCINTTRICK	TO CONVERT OVERHEAD EXISTING ELECTRICAL AND COMMUNICATION FACILITIES TO UNDERGROUND	BE CONCURRED IN	GOVERNOR'S OFFICE
HB 501	FAGG	RECLASSIFICATION OF FIRST CLASS ELEMENTARY DISTRICTS	BE CONCURRED IN	GOVERNOR'S OFFICE
HB 517	YARDLEY	PERMITTING TOTAL COST OF STREET LIGHTING TO BE ASSESSED AGAINST PROPERTY IN SID'S	BE NOT CONCURRED IN	KILLED IN SENATE 2-23-71
HB 521	SWANBERG	TO ESTABLISH MUNICIPAL AND REGIONAL AIRPORT AUTHORITIES, TO PROVIDE FOR A TAX LEVY	BE NOT CONCURRED IN	KILLED IN SENATE 2-21-71
HB 589	DYE	REQUESTING THE LEGISLATIVE COUNCIL TO STUDY THE FEASIBILITY OF HOME RULE FOR MUNICIPALITIES	AS AMENDED BE CONCURRED IN	GOVERNOR'S OFFICE
HJR 38	COX	TO CONDUCT A COMPREHENSIVE STUDY OF THE QUALIFICATIONS AND SALARIES OF COUNTY OFFICERS	DO PASS	SIGNED BY GOVERNOR 2-20-71
SR 21	BERTSCHE	TO RETAIN THE MADISON-JEFFERSON SILVER BOW RESOURCE, CONSERVATION & DEVELOPMENT GROUP	BE ADOPTED	ADOPTED
SR 22	ROSTAD		BE ADOPTED	ADOPTED

February 18, 1971

The fourteenth meeting of the Committee on Local Government was called to order by Chairman, Senator Thiessen at 9:00 a.m. in Room 410. Roll call was taken with a quorum present.

HB 408

Representative Francis Bardonoue, prime sponsor of HB 408, presented the bill to the committee. (A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO FEES ALLOWED TO SHERIFFS FOR BOARD OF PRISONERS; AMENDING SECTIONS 16-2808, 16-2818, AND 16-3802, R.C.M., 1947; REPEALING SECTIONS 25-227, AND 25-228, R.C.M., 1947.") Mr. Bardonoue stated that the bill was attempting to regulate the Board of Commissioners at the county level. He further stated that he had received strong support from the sheriffs, and that the bill had received complete support in the House. He further explained to the committee that the bill makes the Board of County Commissioners submit claims for actual expenses incurred.

Mr. Ed Shubot, representing county commissioners, testified in support of the bill, saying that they feel that the bill is fair and acceptable.

HB 589

Representative Dye presented the bill to the committee members. (A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH MUNICIPAL AND REGIONAL AIRPORT AUTHORITIES; TO PROVIDE FOR A TAX LEVY FOR OPERATION THEREOF; TO PROVIDE FOR AIRPORT COMMISSIONERS; TO PROVIDE POWERS OF EMINENT DOMAIN FOR ISSUANCE OF BONDS, AND FOR THE ESTABLISHMENT OF OPERATIONAL USES PRIVILEGES; TO PROVIDE FOR RULES AND REGULATIONS IN CONNECTION WITH AN AIRPORT AUTHORITY; TO PROVIDE FOR ACCEPTANCE OF FEDERAL AID FOR AIRPORTS; TO PROVIDE FOR JOINT OPERATIONS OF AIRPORT FACILITIES AND TO PROVIDE FOR MUNICIPAL COOPERATION IN REGARD TO AIRPORT OPERATION.")

Mr. Pat Anderson, representing the Gallatin Airport Board, testified in support of the bill. He told the committee that this type of legislation had been enacted in North Dakota to help solve their airport problems. This bill allows two or more counties to join together to maintain an airport in a specific location. Mr. Anderson further told the committee that the bill would allow airports to extend their jurisdiction beyond the state of Montana, and that this kind of operation saves a lot of money.

Mr. Wasuite, representing the Gallatin Airport Board, presented several charts to the members that showed anticipated growth in aviation in the coming years. In nine years the Gallatin airport expects to increase the number of flights from 11 to 40 in 1980. Mr. Wasuite further commented that since the study has been completed, the jet age might descend much sooner than expected.

Mr. Hugh Kelleher, representing the Montana Airport Manager's Association, testified in support of the bill, saying that these statistics are completely true. He reported to the committee that there would be no increase in taxation, and that it would just give airports the right to create a sinking fund and incorporate in to a large area if it were desired, but it would not be mandatory. He further reported that the Federal Aviation Association participates 50/50 on safety items, but that they do not participate on any buildings except fire buildings, so more money is desperately needed.

Mr. Dan Mizner, representing the League of Cities and Towns, also testified in support of the bill.

The proponents were then excused and thanked for their information.

HB 355

The next bill to be considered by the committee was House Bill 355. Representative Burnett was unable to attend the meeting in support of his bill, so Mr. Garrity of the Montana Peace Officer's Association spoke in behalf of the bill. Mr. Garrity stated that the bill did not increase the mileage but that the sheriffs felt that motor vehicles should be provided. He also reported that Section 4 provides for comprehensive insurance for deputies who use their own vehicles in their work. Mr. Garrity commented that he doesn't feel that it is a deputy's job to supply his own car.

Next to testify was Mr. Daly, representing the County Commissioners Association, giving his full support to the bill. Senator Drake asked why the bill didn't make it mandatory for county commissioners to buy the cars. Mr. Garrity answered that some county commissioners would still rather furnish mileage instead of a car.

HB 408

Mr. Garrity gave his views on House Bill 408 stating that the bill simply takes the Board of Prisoners out of the fee system. He informed the committee that it is a felony to make a profit on prisoners, and that he would prefer that this would be strictly the county commissioner's job only. He further reported that the bill would probably increase expenses rather than decrease them because there wouldn't be a fixed limit.

HB 472

Mr. Mizner spoke in behalf of this bill. He explained the bill by stating that at the present law one can redeem bonds in five years, but that this bill provides for one half the life of the bond redemption such as ten year redemption for 20 year bonds etc. If the market went down, it would be to the advantage of the county to redeem the bond at the lower rate of interest. He further stated that if the bonds were redeemable in five years, the bond would cost more money because it could be redeemed earlier, but if the bond has a longer redemption rate, the bond would sell for 3/4 to 1% less.

Mr. Mizner was then thanked for his explanation and excused. Also, Senators Drake, James and Love were excused to appear in order to testify at other meetings.

HB 15

Senator Bertsche moved that House Bill 15 BE AMENDED. Senator Love seconded the motion. MOTION CARRIED. Senator Love moved that House Bill 15 BE CONCURRED IN AS AMENDED. Senator Lynch seconded the motion. MOTION CARRIED.

HB 472

It was the consensus of the committee that House Bill 472 remain in committee.

HB 355

Senator Klindt moved that House Bill 355 BE AMENDED. Senator Lynch seconded the motion. MOTION CARRIED. Senator Northey moved that House Bill 355 BE CONCURRED IN AS AMENDED. Senator Lynch seconded the motion. MOTION CARRIED.

HB 403

Senator Klindt moved that House Bill 408 BE NOT CONCURRED IN. Senator Lynch seconded the motion. MOTION CARRIED.

HB 589

It was the consensus of the committee to wait for further consideration on House Bill 589 until a later date.

There being no further business of the committee, the meeting was declared adjourned.



Senator Thiessen, Chairman

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H/13 589

MEMORANDUM

Airport boards in Montana in the past few years have been faced with increased air traffic. At the Gallatin Field in Gallatin County, the present 10 flights a day are anticipated to increase to 10 to 12 commercial flights in two years to 20 to 30 flights in five years with a further increase at the end of 10 years to 45 to 50 flights a day.

This type of increase will also be experienced in the Kalispell area and other major airports across Montana. With the increase of flight frequency federal regulations require certain standards for air travelers. These regulations change quickly with the advent of new airplanes.

Because of the increase in air traffic, airport boards have the following problems in maintaining airports:

1. Boards are not allowed to accumulate funds to meet anticipated repair, maintenance and capital outlay expenditures.
2. The boards have no way of financing capital improvements except by general obligation bonds.
3. That the boards have no adequate laws allowing a region consisting of several counties and the cities and towns therein to equitably share the tax load in supporting a regional airport.
4. That airport boards, especially county boards, are constantly harrassed by the constitution prohibiting against spending \$10,000 for any single purpose without a vote of the general public.

The purpose of the municipal and regional airport authority bill is to provide a solution for the above-mentioned problems.

The bill provides a method by which an airport authority may be established by a city, town or county. It also provides for a regional airport authority in the event that a city, town or county or two or more counties wish to cooperate and act together in what is known as a regional airport authority.

The bill further provides that the participating city, town or counties creating a regional airport authority may do so by a joint resolution. The resolution shall set forth the term of the airport commissioners, the method of sharing the tax responsibilities of the various city, towns and counties, and set up rules and regulations of the airport authority.

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The authority would have power to establish, operate and maintain its own airports and to do all things necessary to the operation of the airport.

The authority is further granted the right of eminent domain for the purpose of acquiring property for airport purposes.

The authority is granted the right to issue revenue bonds according to the municipal revenue bond act of 1939. The airport authority may secure the payment of bonds by a pledge of any funds available to it for operating expenses are paid.

The city or town or county may if approved be the owner of the taxable property in the region. This tax is merely a tax to meet any deficiencies in the revenue and is in the same general nature as a revolving fund or special improvement district bonds.

The bill allows airport authorities to accumulate funds which are necessary to meet emergencies or to repair and maintain existing facilities. These funds also may be accumulated for the purpose of acquiring federal funds which are available and to build terminal buildings.

The bill provides a ^{Two} mill levy may be made by the city, county or region for airport purposes.

The bill further provides that there may be joint operation of airports between city, county, state and federal government.

The bill further provides for joint operation of airports by cities, towns and counties. It also provides that any city, town or county may cooperate with a city, town or county in adjoining states or with the federal government to maintain and operate an airport.

CONCLUSION

The bill was copied almost verbatim from a bill passed in North Dakota. It has been very successful in solving their problems in connection with airport operations.

DATE: February 18, 1971

SUBJECT: House Bill 589 - Establishing Municipal and Regional Airport Authorities

Honorable Chairman and members of the committee:

As Executive Secretary of the Montana Airport Management Association, I have been in contact with many of the airports around the state and they heartily endorse the concept of this piece of legislation. Also, the Joint City-County Airport Board, Helena, Montana has voted to support this legislation.

The Montana airport industry is in dire need of additional monies. Virtually every major airport in the state is now planning for a new terminal complex. There are still many airports that have extensive runway and taxiway improvements to be made, while many of the airports have just gone through this. Under the 1969 Federal Airport Development Act, there is a 50-50 matching fund from the government on what is known as airport safety items such as runways, taxiways, lighting and navigational aids. Although the federal matches local funds at 50-50, it is very hard for the local sponsor of an airport improvement project to come up with 50% of the monies required and also there is no federal money available for Terminal Buildings, so if Montana is to maintain its place in airport development, we must continue to pass legislation which has the tools in it to enable airports to sell revenue bonds, maintain an adequate sinking fund, derive greater revenue through taxation and to represent and serve more of the taxpayers in the area the airport serves. I respectfully request that this committee send House Bill 589 to the floor of the Senate with a do pass recommendation.

Respectfully submitted,

Hugh R. Kelleher, Executive Secretary of
Montana Airport Management Association,
Director of American Association of Airport
Executives and Helena Airport Manager

February 20, 1971
recess

A special meeting was called to order on recess by Chairman, Senator Thiessen on February 20, 1971 in Room 410. Roll call was taken with a quorum present.

HB 521

The first bill to be considered was HB 521. Senator Drake commented that lighting districts have been sold on the basis that other districts may be able to buy lighting districts with the city paying for 25% in the future.

Senator Klindt moved that HB 521 BE NOT CONCURRED IN. Senator Goodheart seconded the motion. MOTION CARRIED.

HB 487

Sen. or Stephens commented that he did not think it fair to charge the lighting to the people in that specific area when a good portion of the state would benefit from the lighting.

Senator Lowe moved that HB 487 BE CONCURRED IN. Senator Klindt seconded the motion. MOTION CARRIED.

HB 589

Senator Drake reported that his airport manager said it was necessary the bill be passed to continue operation of Helena's airport.

Senator Northey moved that HB 589 BE AMENDED. Senator Goodheart seconded the motion. MOTION CARRIED. Senator Klindt moved that HB 589 BE CONCURRED IN AS AMENDED. Senator Northey seconded the motion. MOTION CARRIED.

There being no further business, the meeting was adjourned.



Senator Thiessen, Chairman

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☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 20

1971

AS PRESIDENT

On your committee on

LOCAL GOVERNMENT

having had under consideration

HOUSE

Bill No. 100

A BILL FOR AN ACT EN. FILED: "AN ACT TO ESTABLISH MUNICIPAL AND REGIONAL AIRPORT AUTHORITIES; TO PROVIDE FOR A TAX LEVY FOR OPERATION THEREOF; TO PROVIDE FOR AIRPORT COMMISSIONERS; TO PROVIDE FOR THE GENERAL POWER OF AN AIRPORT AUTHORITY; TO PROVIDE POWERS OF EMINENT DOMAIN FOR ISSUANCE OF BONDS, AND FOR THE ESTABLISHMENT OF OPERATIONAL USER PRIVILEGES; TO PROVIDE FOR RULES AND REGULATIONS IN CONNECTION WITH AN AIRPORT AUTHORITY; TO PROVIDE FOR ACCEPTANCE OF FEDERAL AID FOR AIRPORTS; TO PROVIDE FOR JOINT OPERATIONS OF AIRPORT FACILITIES AND TO PROVIDE FOR MUNICIPAL COOPERATION IN REGARD TO AIRPORT OPERATION."

Respectfully report as follows: That HOUSE Bill No. 100 be amended as follows:

Amend page 1, following line 14, by inserting the following paragraph:
 "It is the intent of the legislative assembly that all sections of this bill be codified in Title 1, chapter 9, Revised Code of Montana, 1947."

Respectfully report as follows: That HOUSE Bill No. 100 be amended as follows:

Amend page 1, following line 17, by inserting the following paragraph:
 "Section 1. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Amend page 4, following line 4, by inserting the following paragraph:
 "Section 2. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Amend page 4, following line 12, by inserting the following paragraph:
 "Section 3. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Amend page 4, following line 25, by inserting the following paragraph:
 "Section 4. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Amend page 5, following line 13, by inserting the following paragraph:
 "Section 5. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Amend page 6, following line 19, by inserting the following paragraph:
 "Section 6. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Amend page 6, following line 24, by inserting the following paragraph:
 "Section 7. There is added a new section to Title 1, R.C.M., 1947, which is to read as follows:"

Committee Report form
 Revised 1968

FORM 19

60378

Chairman.

Amend page 7, following line 11, by inserting the following paragraph:
"Section 8. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 9, following line 8, by inserting the following paragraph:
"Section 9. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 9, following line 10, by inserting the following paragraph:
"Section 10. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 9, following line 30, by inserting the following paragraph:
"Section 11. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 11, following line 11, by inserting the following paragraph:
"Section 12. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 11, following line 27, by inserting the following paragraph:
"Section 13. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 13, following line 8, by inserting the following paragraph:
"Section 14. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 14, following line 13, by inserting the following paragraph:
"Section 15. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 15, following line 6, by inserting the following paragraph:
"Section 16. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 15, following line 10, by inserting the following paragraph:
"Section 17. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 18, following line 20, by inserting the following paragraph:
"Section 18. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 19, following line 5, by inserting the following paragraph:
"Section 19. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 19, following line 11, by inserting the following paragraph:
"Section 20. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 20, following line 12, by inserting the following paragraph:
"Section 21. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 21, following line 13, by inserting the following paragraph:
"Section 22. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 21, following line 17, by inserting the following paragraph:
"Section 23. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 21, following line 20, by inserting the following paragraph:
"Section 24. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 21, following line 22, by inserting the following paragraph:
"Section 25. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows."

Amend page 21, following line 24, by inserting the following paragraph:
"Section 26. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows:"

Amend page 21, following line 30, by inserting the following paragraph:
"Section 27. There is added a new section to Title 1, R.C.M.,
1947, which is to read as follows:"

AS AMENDED BY CHAPTER 12

SENATOR THOMAS, CHAIRMAN

1971

House

Business & Industry

HOUSE, BUSINESS AND INDUSTRY
COMMITTEE.

BUSINESS AND INDUSTRY COMMITTEE

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
HB 589	Establish airport authorities; provide tax levy thereon	1-28	2-8		2-9	DO PASS AS AMENDED	Enrolling 3-3
SB 44	Disposition, sale, lease, mortgaging and pledging of electric & telephone cooperatives	1-30	2-1		2-1	BE CONCURRED IN	Law Law
HB 364	Investment of endowment funds of school districts	2-3	2-8		2-12	DO PASS AS AMENDED	Enrolling 3-3
HR 5	Relating to MHD pilot power plant	2-4	2-12		2-12	BE ADOPTED	Adopted
SB 217	Require rail carriers to maintain vehicles used for trans. workers	2-11	2-19		2-19	BE NOT CONCURRED IN	Killed Killed

BUSINESS AND INDUSTRY COMMITTEE

42nd LEGISLATIVE ASSEMBLY

H. D. Worden, Chairman

Gene Spilde, Vice-Chairman

James Burnett

Ralph Eggebrecht

Harold Gerke

Peter Jackson

Walter Laas

Harold McGrath

John Mehrens

Keith Nelstead

S. A. Olson

Chase Patrick

Tom Selstad

BUSINESS AND INDUSTRY COMMITTEE

February 8, 1971

The sixteenth meeting of the Business and Industry Committee was held Monday morning at 10:30 in Room 433-4 of the State Capitol Building with Chairman ~~McGrath~~ ^{Ainsworth} presiding.

All members were present with the exception of Rep. McGrath.

House Bill 443 was presented by Rep. Ainsworth, chief sponsor. Robert Shelton, president of Montana Land Surveyors Association, appeared as a proponent. Robert E. Champion, representing Montana Highway Commission, proposed an amendment. Rep. Ainsworth replied that the amendment was agreeable with him.

House Bill 456 was proposed by Rep. Zimmer, chief sponsor. William Penttila, State Fire Marshal, was a proponent. There were no opponents.

House Bill 429 was presented by Rep. Mather, sponsor. Proponents were Don Garrity representing Montana Mobile Home Dealers Association; C. W. Brinck, secretary of State Plumbing Board; William Penttila, State Fire Marshal; and Ross Cannon, Jerry R. McCaully, Donald Clayton, William J. Novak, and Erv L. Sorensen, all representing Montana Mobile Home Association. There were no opponents.

House Bill 589 was presented by Rep. Dye, sponsor. Proponents were McKinley Anderson, representing Gallatin County Field Board; and Hugh R. Kelleher, representing Montana Airport Management Association. There were no opponents.

House Bill 557 was presented by Rep. Towe, sponsor. James W. Murry representing Montana State AFL-CIO, was not present but asked to be said that his organization endorsed the bill. Other proponents were James Carden, chairman of the Industrial Accident Board, and J. P. Mooney, staff representative for United Steelworkers of America. Opponents were Chadwick H. Smith, Montana Hospital Association, and William E. O'Leary, representing 62 hospitals.

House Bill 119 was presented by Rep. Patrick, sponsor.

House Bill 277 was presented by Rep. Burnett, sponsor.

House Bill 440 was presented by Rep. Mehrens, sponsor, along with a proposed amendment. Proponents of the bill with the amendment were Robert A. Durkee and Jerome T. Loendorf both representing Montana Tavern Association. There were no opponents.

February 8, 1971

Action was then taken on the following bills:

HB376...Rep. Burnett moved do pass, which motion was seconded by Rep. Laas. Rep. Mehrens made a substitute motion to pass action until the next meeting, which motion was carried.

HB277...Rep. Selstad moved DO NOT PASS. The motion was seconded and carried.

HB119...Rep. Patrick moved DO PASS. The motion was seconded and carried.

HB557...Rep. Olson moved DO NOT PASS. The motion was seconded and carried.

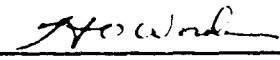
HB589...Rep. Jackson moved do not pass. Rep. Gerke made a substitute motion of do pass. Rep. Selstad made a substitute motion to all motions pending to hold the bill over until the next meeting, which motion was carried. Rep. Selstad was appointed to a committee of one to work on acceptable amendments to the bill.

U. HB456...Rep. Gerke moved DO NOT PASS. Motion seconded and carried.

HB429...Rep. Patrick moved DO PASS, which motion was seconded and carried.

HB443...Rep. Gerke moved DO PASS AS AMENDED, which motion was seconded and carried.

The meeting adjourned at 1:00 p.m.


H. O. WORDEN, Chairman

DATE: FEBRUARY 8, 1971

SUBJECT: HOUSE BILL 589 - ESTABLISHING MUNICIPAL AND REGIONAL AIRPORT AUTHORITIES

Honorable John H. Pierce, Chairman and gentlemen of the committee:

As Executive Secretary of the Montana Airport Management Association, I have been in contact with many of the airports around the state and they heartily endorse the concept of this piece of legislation. Also, the Joint City-County Airport Board, Helena, Montana has voted to support this legislation.

The Montana airport industry is in dire need of additional monies. Virtually every major airport in the state is now planning for a new terminal complex. There are still many airports that have extensive runway and taxiway improvements to be made, while many of the airports have just gone through this. Under the 1969 Federal Airport Development Act there is a 50-50 matching fund from the government on what is known as airport safety items such as runways, taxiways, lighting and navigational aids. Although the federal matches local funds at 50-50, it is very hard for the local sponsor of an airport improvement project to come up with 50% of the monies required and also there is no federal money available for Terminal Buildings, so if Montana is to maintain its place in airport development, we must continue to pass legislation which has the tools in it to enable airports to sell revenue bonds, maintain an adequate sinking fund, derive greater revenue through taxation and to represent and serve more of the taxpayers in the area the airport serves, so I respectfully request that this committee send House Bill 589 to the floor of the House with a do pass recommendation.

Respectfully submitted,

Hugh R. Kelleher, Executive Secretary
of Montana Airport Management Association,
Director, American Assoc. of Airport
Executives and Helena Airport Manager

HB 589

MEMORANDUM

Airport boards in Montana in the past few years have been faced with increased air traffic. For instance at Gallatin Field in Gallatin County, the present four flights a day are anticipated to increase to 10 to 12 commercial flights in two years to 20 to 30 flights in five years with a further increase at the end of 10 years to 45 to 50 flights a day.

This type of increase will also be experienced in the Kalispell area and other major airports across Montana. With the increase of flight frequency federal regulations require certain standards for air travelers. These regulations change quickly with the advent of new airplanes.

Because of the increase in air traffic, airport boards have the following problems in maintaining airports:

1. Boards are not allowed to accumulate funds to meet anticipated repair, maintenance and capital outlay expenditures.
2. The boards have no way of financing capital improvements except by general obligation bonds.
3. That the boards have no adequate laws allowing a region consisting of several counties and the cities and towns therein to equitably share the tax load in supporting a regional airport.
4. That airport boards, especially county boards, are constantly harrassed by the constitution prohibiting against spending \$10,000 for any single purpose without a vote of the general public.

The purpose of the municipal and regional airport authorities bill is to provide a solution for the above-mentioned problems.

The bill provides a method by which an airport authority may be established by a city, town or county. It also provides for a regional airport authority in the event that a city, town or county or two or more counties wish to cooperate and act together in what is known as a regional airport authority.

The bill further provides that the participating city, towns or counties creating a regional airport authority may do so by a joint resolution. The resolution shall set forth the term of the airport commissioners, the method of sharing the tax responsibilities of the various city, towns and counties, and set up rules and regulations of the airport authority.

The airport authority would have power to establish, operate and maintain airports, to own airports and to do all things necessary to the operation of the airport.

The authority is further granted the right of eminent domain for the purpose of acquiring property for airport purposes.

The authority is granted the right to issue revenue bonds according to the municipal revenue bond act of 1939. The airport authority may secure the payment of bonds by a pledge of any funds available to it before operating expenses are paid.

The city or town or county may if approved be the owner of the taxable property in the region. This tax is merely a tax to meet any deficiencies in the revenue and is in the same general nature as a revolving fund for special improvement district bonds.

The bill allows airport authorities to accumulate funds which are necessary to meet emergencies or to repair and maintain existing facilities. These funds also may be accumulated for the purpose of matching federal funds which are available and to build terminal buildings.

The bill provides a four mill levy may be made by the city, county or regional area for airport purposes.

The bill further provides that there may be joint operation of airports between any city, county, state and federal government.

The bill further provides for joint operation of airports by cities, towns and counties. It also provides that any city, town or county may cooperate with a city, town or county in adjoining states or with the federal government to maintain and operate an airport.

CONCLUSION

The bill as introduced is copied almost verbatim from a bill passed in North Dakota which has been very successful in solving their problems in connection with airport operations.

BUSINESS AND INDUSTRY COMMITTEE

February 9, 1971

The seventeenth meeting of the Business and Industry Committee was held Tuesday morning at 7:30 in Room 433-4 of the State Capitol Building with Chairman Worden presiding.

All members were present with the exception of Representatives Eggebrecht and Jackson.

House Bill 376 was discussed with Jim Burnam and Joseph T. Shea of the Liquor Control Board present to answer questions. Rep. Patrick moved to accept the amendments proposed for HB376; The motion was seconded but failed. Rep. Selstad moved do pass. Rep. Mehrens made a substitute motion to hold the bill over for further discussion at the next meeting. His motion was carried.

HB589...Rep. Selstad moved to adopt the amendments, which was carried. Rep. Burnett moved DO PASS AS AMENDED, which motion was seconded and carried.

HB440...Rep. Patrick moved DO NOT PASS. The motion was seconded. Rep. McGrath made a substitute motion of do pass. The motion was seconded by Rep. Mehrens and failed. The committee then went back to the original motion of do not pass, which motion was carried.

HB473...Rep. Gerke moved that it be amended. The motion passed. Rep. Gerke then moved DO PASS AS AMENDED. The motion was seconded and carried.

The meeting adjourned at 8:50 A.M.



H. O. WORDEN, Chairman

Hearing on petition. public hearing on the petition the board of supervisors shall proceed to hear and pass upon all protests made and its decision shall be final and conclusive; except when owners or more than fifty percent (50%) of the land in the proposed project area protest the project. If owners of more than fifty percent (50%) of the land protest the project, no further action may be taken for a period of six (6) months from the date of the hearing after which a new petition may be filed."

Approved March 18, 1971

CHAPTER NO. 432

An Act to Amend Section 75-8601 Relating to Charges for Tuition.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 75-8601 is amended to read as follows:

"Section 42. Section 75-8601. **Charges for tuition — waiver of nonresident fees.** (1) The regents may:

Regents may prescribe tuition rates and fees.

(a) prescribe tuition rates, *matriculation charges, and incidental fees for students in institutions under their jurisdiction.*

Waiver.

(b) waive at *their* discretion, nonresident tuition for selected and approved nonresident students not to exceed at any unit two percent (2%) of the total number of students enrolled at that unit.

Preference.

(2) No nonresident student may be admitted to the exclusion of any resident student."

Approved March 18, 1971

CHAPTER NO. 433

An Act to Establish Municipal and Regional Airport Authorities; to Provide for a Tax Levy for Operation Thereof; to Provide for Airport Commissioners; to Provide for the General Power of an Airport Authority; to Provide Powers of Eminent Domain for Issuance of

Bonds, and for the Establishment of Operational Uses Privileges; to Provide for Rules and Regulations in Connection with an Airport Authority; to Provide for Acceptance of Federal Aid for Airports; to Provide for Joint Operations of Airport Facilities and to Provide for Municipal Cooperation in Regard to Airport Operation. It is the Intent of the Legislative Assembly That All Sections of This Bill Be Codified in Title 1, Chapter 9, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-901. **Definitions.** The following words or terms whenever used or referred to in this chapter shall have the following respective meanings unless different meanings clearly appear from the context:

Definitions.

1. "Municipality" shall mean any county, city, town or public body of this state;

"Municipality."

2. "Municipal airport authority" or "municipal authority" shall mean a municipal airport authority created pursuant to the provisions of section 1-904 of this chapter;

"Municipal airport authority" or "municipal authority."

3. "Regional airport authority" or "regional authority" shall mean a regional airport authority created pursuant to the provisions of section 1-905 of this chapter;

"Regional airport authority" or "regional authority."

4. "Airport authority" or "authority" shall mean any regional airport authority or municipal airport authority created pursuant to the provisions of this chapter, and the governing body of a municipality which has determined to exercise the powers of a municipal airport authority, pursuant to section 1-904;

"Airport authority" or "authority."

5. "Governing body" shall mean bodies and boards by whatsoever names they may be known, having charge of finances and management of a municipality;

"Governing body."

6. "Clerk" shall mean the custodian of the official records of a municipality;

"Clerk."

7. "Bonds" shall mean any bonds, notes, interim certificates, debentures, or similar obligations issued by an authority pursuant to this chapter;

"Bonds."

8. "Airport" shall mean any area of land or water

"Airport."

which is used, or intended for use, for the landing and taking off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, including approaches and clear zones, together with all airport buildings and facilities located thereon;

"Air navigation facility."

9. "Air navigation facility" shall mean any facility—other than one owned and operated by the United States—used in, available for use in, or designed for use in aid of air navigation, including any structures, buildings, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities, or devices, used or useful as an aid, or constituting an advantage or convenience, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities;

"Airport hazard."

10. "Airport hazard" shall mean any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing and taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft;

"Person."

11. "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof;

"Real property."

12. "Real property" shall mean lands, structures, buildings, and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the term real property, including not only fee simple absolute but also any and all lesser interests, such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property; and

"Project."

13. "Project" shall mean any airport operated by the authority, including all real and personal property, structures, buildings, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers and freight or as part of aviation operation air navigation, and air safety operation.

Section 2. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-902. **Aeronautics commission may exercise powers of airport authority — exceptions.** The Montana aeronautics commission shall have all powers of an airport authority as defined in this chapter, except powers to certify or levy taxes or issue bonds, for constructing and operating public airports or landing fields near international border ports of entry, and near state or national parks or near or in recreational areas as the aeronautics commission may determine to be in the public interest.

Powers of Montana aeronautics commission.

Section 3. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-903. **Airport operation and income.** The aeronautics commission shall have operational control of airports constructed under the provisions of section 1-902 and may provide for the imposition of landing fees, granting of fuel and service concessions, or the lease of portions of the premises for other related airport services or for purposes not inconsistent with the use of the premises for airport purposes. All income from the operation of such airports shall be deposited in the state treasury in a special operating fund to be known as the airport operating fund. All expenditures from such fund shall be within the limits of legislative appropriations and shall be made upon vouchers, signed and approved by the director of the aeronautics commission.

Operational control of airports.

Landing fees.

Concessions—leases.

Deposit of income.

Expenditures.

Section 4. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-904. **Creation of municipal airport authority.** Any municipality may, by resolution of its governing body, create a public body corporate and politic to be known as a municipal airport authority, which shall be authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof; or the governing body may by resolution determine to exercise any or all powers granted to such authorities in this chapter until or unless such powers are or have been conferred upon a municipal or regional airport authority. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality shall, pursuant to the resolution, appoint five (5) persons as

Municipality may create municipal airport authority.

Resolution.

Appointment—five commissioners.

commissioners of the authority. The commissioners who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, but thereafter, each commissioner shall be appointed for a term of five (5) years, except that vacancies occurring otherwise than by expiration of the term shall be filled for the unexpired term by the governing body.

Section 5. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-905. Creation of regional airport authority. 1. Two (2) or more municipalities may, by joint resolution create a public body, corporate and politic, to be known as a regional airport authority that the resolution creating a regional airport authority shall create a board of not less than five (5) commissioners; the number to be appointed, their term and compensation, if any, shall be provided for in the resolution. Each such regional airport authority shall organize, select officers for terms to be fixed by agreement and adopt and amend from time to time rules for its own procedure not inconsistent with section 1-908.

2. A regional airport authority may be increased from time to time to serve one (1) or more additional municipalities if each additional municipality and each of the municipalities then included in the regional authority, respectively, adopt a joint resolution consenting thereto; provided, that if a municipal airport authority for any municipality seeking to be included in the regional authority is then in existence, the commissioners of the municipal authority must consent to the inclusion of the municipality in the regional authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts, obligation, and property, real and personal, of the municipal authority shall be in the name of and vest in the regional authority.

3. A regional airport authority may be decreased if each of the municipalities then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities.

4. A municipality shall not adopt any resolution

authorized by this section without a public hearing thereon. Notice thereof shall be given at least ten (10) days prior thereto in a newspaper published in the municipality, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality.

Section 6. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-906. Sinking funds for repair, maintenance and capital outlays. An airport authority may create a sinking fund and accumulate therein the sum of five million dollars (\$5,000,000) together with interest thereon for the use, repairs, maintenance and capital outlays of an air navigation facility.

Section 7. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-908. Commissioners — compensation — meetings — officers. A commissioner of an authority shall be entitled to the necessary expense, including travel expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. The certificates of the appointment and reappointment of commissioners shall be filed with the authority.

The powers of each authority shall be vested in the commissioners thereof. A majority of the commissioners of an authority shall constitute a quorum for the purpose of conducting business of the authority and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

There shall be elected a chairman and vice-chairman from among the commissioners. An authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation. An authority may delegate to one (1) or more of its agents or employees such powers or duties as it may deem proper.

Section 8. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

Notice—
publication.

Airport authority
sinking fund.

Commissioner's
expenses.

Term.

Filing certificates.

Powers vested in
commissioners.

Quorum.

Majority.

Chairman,
vice-chairman.
Employment of
personnel.

Delegation.

General powers.

1-909. **General powers of an authority.** An authority shall have all the powers necessary or convenient to carry out the purposes of this chapter including the power to certify, annually to the governing bodies creating it, the amount of tax to be levied by said governing bodies for airport purposes including, but not limited to, the power:

1. To sue and be sued; to have a seal; and to have perpetual succession;

Contracts.

2. To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this chapter;

Airports and navigation facilities.

3. To plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, within this state and within any adjoining state, including the acquisition, construction, installation, equipment, maintenance, and operation at such airports or buildings and other facilities for the servicing of aircraft or for comfort and accommodation of air travelers, and the purchase and sale of supplies, goods, and commodities as are incident to the operation of its airport properties. For such purposes an authority may by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards.

Acquisition of property.

Airport zoning.

4. To establish comprehensive airport zoning regulations in accordance with the laws of this state. For the purpose of this chapter, a regional airport authority shall have the same powers as all other political subdivisions in the adoption and enforcement of comprehensive airport zoning regulations as provided for by the laws of this state.

Acquisition of existing airports and facilities.

5. To acquire, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, existing airports

and air navigation facilities, provided, however, an authority shall not acquire or take over any airport or air navigation facility owned or controlled by another authority, a municipality, or public agency of this or any other state without the consent of such authority, municipality or public agency.

6. To establish or acquire and maintain airports in, over, and upon any public waters of this state, any submerged lands under such public waters provided that the authority has obtained the approval of the owner or agency that controls the water; and to construct and maintain terminal buildings, landing floats, causeways, roadways, and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

Water airports.

Section 9. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-910. **Eminent domain.** In the acquisition of property by eminent domain proceedings authorized by this chapter, an airport authority shall proceed in the manner provided by the laws of this state, and such other laws that may now or hereafter apply to the state or to political subdivisions of this state in exercising the right of eminent domain. The municipality shall not be precluded from abandoning such proceedings in any case where possession of the property has not been taken.

Procedure—
eminent domain.

Section 10. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-911. **Disposal of airport property.** Except as may be limited by the terms and conditions of any grant, loan or agreement, authorized by section 1-915 of this chapter, an authority, may, by sale, lease, or otherwise, dispose of any airport, air navigation facility or other property, or portion thereof or interest therein, acquired pursuant to this chapter. Such disposal by sale, lease, or otherwise, shall be in accordance with the laws of this state governing the disposition of other public property, except that in the case of disposal to another authority, a municipality or an agency of the state or federal government for use and operation as a public airport, the sale, lease, or other disposal may be affected in such manner

Disposition of
property.

and upon such terms as the commissioners of the authority may deem in the best interest of civil aviation.

Section 11. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

Authority to borrow money—issue bonds.

1-912. **Bonds and other obligations.** An authority shall have the power to borrow money for any of its corporate purposes and issue its bonds therefor, including refunding bonds, in such form and upon such terms as it may determine, payable out of any revenues of the authority, including grants or contributions from the federal government or other sources, which bonds may be sold at public or private sale which shall bear interest at a rate or rates not exceeding ten per centum (10%) per annum. Any bonds issued pursuant to this chapter by an authority, shall be payable as to principal and interest, solely from revenues of an airport or air navigation facility or facilities, and shall so state on their face any applicable limitation or restriction and that said bonds shall be issued as set forth in Title 11, chapter 24, R.C.M. 1947.

Payable from revenues.

Tax exemption.

Bonds issued by an authority or municipality pursuant to the provisions of this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon, and income therefrom, shall be exempt from all taxes.

Security.

For the security of any such bonds the authority or municipality may by resolution make and enter into any covenant, agreement, or indenture authorized to be made as security for revenue bonds. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be made payable from any and all revenues referred to in this chapter prior to the payment of current costs of operation and maintenance of the facilities. Whenever bonds are issued under this chapter and made payable from revenues of an airport involving municipalities with over ten thousand (10,000) population, the governing body of the municipality shall be required, in the event that at any time all revenues, including taxes, appropriated and theretofore collected for such bonds are insufficient to pay principal or interest then due, to levy a general tax upon all of the taxable property in the municipality for the payment of such deficiency and at any time a deficiency is likely to occur within one (1) year for the payment of

Tax levy.

principal and interest due on such bonds, the governing body, in its discretion, may levy a general tax upon all the taxable property in the municipality for the payment of such deficiency, and such taxes shall not be subject to any limitation of rate or amount applicable to other municipal taxes, provided that the initial resolution authorizing bonds for airport financing shall be published in the official paper, and any owner of taxable property within the municipality may within sixty (60) days after such publication file a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to twenty percent (20%) or more of the assessed valuation of all taxable property within the municipality, all further proceedings under such initial resolution shall be barred.

Publication of initial resolution.

Protest.

Findings.

Proceedings barred.

Section 12. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-913. **Operation and use privileges.** 1. In connection with the operation of an airport or air navigation facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed thirty (30) years with any persons:

Contracts—maximum term—30 years.

- a. Granting the privilege of using or improving the airport or air navigation facility or any portion or facility thereof of space therein for commercial purposes;
- b. Conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility; and
- c. Making available services to be furnished by the authority or its agents at the airport or air navigation facility.

In each case the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class or privilege of service and shall be established with due regard to the property and improvements used and the expenses of operation to the authority; provided that in no case shall the public be

Public use.

deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of facility thereof.

Grant of authority to operate airport.

2. Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by section 1-919 of this chapter, an authority may by contract, lease, or other arrangements, upon a consideration fixed by it, grant to any qualified person for a term not to exceed thirty (30) years the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority; provided that no person shall be granted any authority to operate an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken under subsection 1 of this section.

Section 13. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

Rules and regulations.

1-914. **Regulations.** An authority is authorized to adopt, amend, and repeal such reasonable resolutions, rules, regulations, and orders as it shall deem necessary for the management, government, and use of any airport or air navigation facility owned by it or under its control. No rule, regulation, order, or standard prescribed by the commission shall be inconsistent with, or contrary to, any act of the Congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at the principal office of the authority for public inspection a copy of all its rules and regulations.

Public records.

Section 14. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

Authority to accept grants and loans.

1-915. **Federal and state aid.** 1. An authority is authorized to accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this chapter. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be

accepted and expended by the authority upon such terms and conditions as are prescribed by the state.

2. An authority is authorized to designate the state aeronautics commission as its agent to accept, receive, receipt for, and disburse federal and state moneys, and other moneys, public or private, made available by grant or loan or both, to accomplish in whole or in part, any of the purposes of this chapter; and to designate the state aeronautics commission as its agent in contracting for and supervising the planning, acquisition, development, construction, improvement, maintenance, equipment, or operation of any airport or other air navigation facility. An authority may enter into an agreement with the aeronautics commission prescribing the terms and conditions of the agency in accordance with such terms and conditions as are prescribed by the United States, if federal money is involved, and in accordance with the applicable laws of this state. All federal moneys accepted under this section by the state aeronautics commission shall be accepted and transferred or expended by said commission upon such terms and conditions as are prescribed by the United States. All moneys received by the state aeronautics commission pursuant to this subsection shall be deposited in the state treasury, and unless otherwise prescribed by the agency from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes.

Designation—state aeronautics commission as agent.

Agency agreement.

Deposit of moneys.

Section 15. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-916. **Tax levy may be certified by airport authority or municipality.** The airport authority may certify annually to the governing bodies, the amount of tax to be levied by each municipality participating in the creation of the airport authority, and the municipality may levy the amount certified, pursuant to provisions of law authorizing cities and other political subdivisions of this state to levy taxes for airport purposes. The levy made shall not exceed the maximum levy permitted by the laws of this state for airport purposes. The municipality shall collect the taxes certified by an airport authority in the same manner as other taxes are levied and collected and make payment to the airport authority.

Authority may certify amount of annual tax levy.

Maximum.

Collection.

Deposit.

The proceeds of such taxes when and as paid to the airport authority shall be deposited in a special account or accounts in which other revenues of the authority are deposited and may be expended by the authority as provided for in this chapter. Prior to the issuance of bonds under section 1-912 the airport authority or the municipality may by resolution covenant and agree that the total amount of such taxes then authorized by law, or such portion thereof as may be specified by the resolution, will be certified, levied and deposited annually as herein provided, until the bonds and interest thereon are fully paid.

Section 16. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

County levy for airport purposes.

1-917. **County tax levy for airport purposes.** In counties supporting airports or airport authorities, a levy, as provided for in section 1-804, R.C.M. 1947, may be made for such purposes.

Section 17. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

"Public agency" defined.

1-918. **Joint operations.** 1. For the purposes of this section, unless otherwise qualified, the term "public agency" includes municipality and authority, each as defined in this chapter, any agency of the state government and of the United States, and any municipality, political subdivision or agency of an adjoining state; and the term "governing body" includes commissioners of an authority, the governing body of a municipality, and the head of an agency of a state or the United States if the public agency is other than an authority or municipality. All powers, privileges, and authority granted by this chapter may be exercised and enjoyed by an authority jointly with any public agency of this state, and jointly with any public agency of any adjoining state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise of enjoyment. Any agency of the state government, when acting jointly with any authority, may exercise and enjoy all the powers, privileges, and authority conferred by this chapter upon an authority.

"Governing body" defined.

Joint exercise and enjoyment—powers and privileges.

Two or more public agencies may enter agreements.

2. Any two (2) or more public agencies may enter into agreements with each other for joint action pursuant to the provisions of this section. Each agreement shall

specify its duration, the proportionate interest which each public agency shall have in the property, facilities, and privileges involved in the joint undertaking, the proportion of costs of operation, capital outlay, and maintenance, to be borne by each public agency, and such other terms as are deemed necessary or required by law. The agreement may also provide for amendments and termination; disposal of all or any of the property, facilities, and privileges jointly owned, prior to, or at such times as said property, facilities, and privileges, or any part thereof, cease to be used for the purposes provided in this chapter, or upon termination of the agreement; the distribution of the proceeds received upon any disposal, and of any funds or other property jointly owned and undisposed of; the assumption of payment of any indebtedness arising from the joint undertaking which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and such other provisions as may be necessary or convenient.

3. Public agencies acting jointly pursuant to this section shall create a joint board which shall consist of members appointed by the governing body of each participating public agency. The number to be appointed, their term and compensation, if any, shall be provided for in the joint agreement. Each joint board shall organize, select officers for such terms as are fixed by the agreement, and adopt and amend from time to time rules for its own procedure. The joint board shall have power, as agent of the participating public agencies, to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police any airport or air navigation facility or airport hazard to be jointly acquired, controlled, and operated, and the board may be authorized by the participating public agencies to exercise on behalf of its constituent public agencies all the powers of each with respect to the airport, air navigation facility or airport hazard, subject to the limitations of subsection 4 of this section.

Creation—joint board.

Organization.

Powers.

4. a. The total expenditures to be made by the joint board for any purpose in any calendar year shall be as determined by a budget approved by the constituent public agencies on or before the preceding June 10, or as otherwise specifically authorized by the constituent public agencies.

Expenditures.

Budget.

Approval required.

b. No airport, air navigation facility, airport hazard, or real or personal property, the cost of which is in excess of sums fixed therefor by the joint agreement or allotted in the annual budget may be acquired, established, or developed by the joint board without the approval of the governing bodies of its constituent public agencies.

Eminent domain proceedings.

c. Eminent domain proceedings under this section may be instituted by the joint board only by authority of the governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be instituted in the names of the constituent public agencies jointly, and the property so acquired shall be held by said public agencies as tenants in common.

Consent required for disposal of property.

d. The joint board shall not dispose of any airport, air navigation facility, or real property under its jurisdiction except with the consent of the governing bodies of its constituent public agencies, provided that the joint board may, without such consent, enter into contracts, leases, or other arrangements contemplated by section 1-913 of this chapter.

Approval of resolutions, rules, regulations and orders.

e. Any resolutions, rules, regulations, or orders of the joint board dealing with subjects authorized by section 1-913 of this chapter shall become effective only upon approval of the governing bodies of the constituent public agencies, provided that upon such approval, the resolutions, rules, regulations, or orders of the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinances, resolutions, rules, regulations, or orders of each public agency would have in its own territory or jurisdiction.

Creation—joint fund.

5. For the purpose of providing the joint board with moneys for the necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which shall be deposited the share of each of the constituent public agencies as provided by the joint agreement. Any federal, state, or other grants, contributions, or loans, and the revenues obtained from the joint ownership, control, and operation of any airport or air navigation facility under the jurisdiction of the joint board shall be paid into the joint fund. Disbursements from such fund shall be made by order of the board, subject to the limitations prescribed in subsection 4 of this section.

Section 18. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-919. **Public purpose.** The acquisition of any land, or interest therein, pursuant to this chapter, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of airports and air navigation facilities, including the acquisition or elimination of airport hazards, and the exercise of any powers herein granted to authorities and other public agencies to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Public purpose—public necessity.

Section 19. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-920. **Airport property and income exempt from taxation.** Any property in this state acquired by an authority for airport purposes pursuant to the provisions of this chapter, and any income derived by the authority from the ownership, operation, or control thereof, shall be exempt from taxation to the same extent as other property used for public purpose.

Tax exemption.

Section 20. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-921. **Municipal cooperation.** For the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of airports and air navigation facilities pursuant to the provisions of this chapter, any municipality for which an authority has been created may, upon such terms, with or without consideration, as it may determine,

Municipality may cooperate.

1. Lend or donate money to the authority;

Money.

2. Provide that all or a portion of the taxes of funds available or to become available to, or required by law to be used by, the municipality for airport purposes, be

Portion of taxes.

transferred or paid directly to the airport authority as such funds become available to the municipality;

Facilities.

3. Cause water, sewer, or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such airports or air navigation facilities;

Property.

4. Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses or any other rights or privileges therein to the authority;

Streets and roads.

5. Furnish, dedicate, close, pave, install, grade, re-grade, plan or replan streets, roads, roadways, and walks from established streets or roads to such airports or air navigation facilities;

Other acts.

6. Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of airports and air navigation facilities; and

Agreements.

7. Enter into agreements with the authority respecting action to be taken by the municipality pursuant to the provisions of this section.

Section 21. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-922. **Out-of-state airport jurisdiction authorized — reciprocity with adjoining state and governmental agencies.** For the purpose of this section, "governmental agency" means any municipality, city, town, county, public corporation, or other public agency.

"Governmental agency" defined.

Out-of-state authority.

This state or any governmental agency of this state having any powers with respect to planning, establishing, acquiring, developing, constructing, enlarging, improving, maintaining, equipping, operating, regulating, or protecting airports or air navigation facilities within this state, may exercise those powers within any state or jurisdiction adjoining this state, subject to the laws of that state or jurisdiction.

Other states.

Any state adjoining this state or any governmental agency thereof may plan, establish, acquire, develop, construct, enlarge, improve, maintain, equip, operate,

regulate, and protect airports and air navigation facilities within this state, subject to the laws of this state applicable to airports and air navigation facilities. The adjoining state or governmental agency shall have the power of eminent domain in this state, which shall be exercised in the manner provided by the laws of this state governing condemnation proceedings, provided that the power of eminent domain shall not be exercised unless the adjoining state authorizes the exercise of that power therein by this state or any governmental agency thereof having any of the powers mentioned in this section.

Reciprocity—
eminent domain.

The powers granted in this section may be exercised jointly by two (2) or more states or governmental agencies, including this state and its governmental agencies, in such combination as may be agreed upon by them.

Combinations.

This section may be cited as the "Extraterritorial Airports Section".

"Extraterritorial
airports section."

Section 22. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-923. **Supplemental authority.** In addition to the general and special powers conferred by this chapter, every authority is authorized to exercise such powers as are necessary incidental to the exercise of such general and special powers.

Supplemental
authority.

Section 23. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-924. **Savings clause — airport zoning.** Nothing contained in this chapter shall be construed to limit any right, power, or authority of a municipality to regulate airport hazards by zoning.

Municipal zoning.

Section 24. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-925. **Short title.** This chapter may be cited as the "Airport Authorities Act".

"Airport
authorities act."

Section 25. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

1-926. **Repealing clause.** All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 26. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

Severability clause.

1-927. **Severability clause.** It is the intent of the legislative assembly that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one (1) or more of its applications, the part that remains in effect in all valid applications are severable from the invalid applications.

Section 27. There is added a new section to Title 1, R.C.M. 1947, which is to read as follows:

Effective immediately.

1-928. **Effective date.** This act is effective upon its passage and approval.

Approved March 18, 1971

CHAPTER NO. 434

An Act Establishing Certificates of Ownership and Records of Theft of Snowmobiles, Regulating Operation of Snowmobiles, Providing Exemptions, Transfer of Interest, Prohibiting Licensing and Registration by Political Subdivisions, Establishing Enforcement, and Providing Penalties for any Violation of This Act; Repealing Sections 53-1001 Through 53-1011, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definition of terms.** As used in this act, the following terms shall have the meanings indicated herein, unless the context otherwise clearly requires that another meaning be intended:

"Person."

(a) "Person" includes an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

"Snowmobile."

(b) "Snowmobile" includes any self-propelled vehicle designed primarily for travel on snow or ice or natural terrain, which may be steered by wheels, skis, or runners, and which is not otherwise registered or licensed under the laws of the state of Montana.

(c) "Owner" shall include every person as defined herein, other than a lien holder or other person having a security interest only, holding record title to a snowmobile, and entitled to the use or possession thereof.

"Owner."

(d) "Operator" shall include every person who operates or is in actual physical control of the operation of a snowmobile.

"Operator."

(e) "Roadway" shall include only those portions of any highway, road or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

"Roadway."

(f) "Commission" means the fish and game commission of the state of Montana.

"Commission."

Section 2. **Certificate of ownership.** (1) No snowmobile shall be operated upon any public or private lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets or highways, unless it has first been registered with the state board of equalization in accordance with the laws of this state.

Registration of snowmobile required.

(2) Before such registration may be accomplished, the owner of a snowmobile shall make application for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be furnished for this purpose, and to provide for substantially the following information: Name of owner, residence by town and county, business or home mail address, name and address of lien holder, amount due under contract or lien, name and address of manufacturer, model number or name, serial number, and name and address of dealer or other person from whom acquired. The application shall be signed by at least one owner, or by a properly authorized officer or representative of the owner.

Application—certificate of ownership.

(3) If a snowmobile has previously been registered, under the provisions of this act, the application for registration must be accompanied by the immediately previous registration receipt, or by an affidavit upon a prescribed form, stating under oath that the vehicle had not been operated during the immediately previous year; provided, however, that this paragraph shall not be applicable to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of this act were not in force and effect.

Prior registration.